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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/923,543	08/08/2001	Levan Higashigawa	011002	2116

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EXAMINER

EHICHIOYA, FRED I


ART UNIT	PAPER NUMBER
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Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/923,543	Applicant(s) HIGASHIGAWA, LEVAN 	
	Examiner Fred I. Ehichioya	Art Unit 2172	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08 April 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1 - 18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1 - 18 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Arguments

1. Applicants' arguments, with respect to claims 1 – 18 filed April 08, 2004 have been fully considered but they are not persuasive for the following reasons.

2. Applicant argues:

(a) Ebert fails to disclose the features of the claimed invention concerning setting a link between an m-th object and an n-th object when only said n-th object exist in predetermined direction with reference to said m-th object (Page 11, Paragraph 2).

(b) None of the references cited by the Examiner teach nor suggest the gist of the present invention that link can be dynamically and automatically created in a cross (+) direction from an arbitrary objects based on its coordinates of representation (two-dimensional) (Page 12, Paragraph 2).

(c) non of the cited references disclose nor teach any method of visually determining move destinations, and hence the inventor believes that all cited references, even if combined all together, can never achieve a link tree as claimed in the present invention (Page 12, Paragraph 4).

Regarding argument (a), Examiner respectfully disagrees with the applicant. However, n-th and m-th objects are arbitrary number of objects. Ebert discloses number of hierarchical objects whose links are set to each object as disclosed in column 9, lines 3 – 37. Since n-th and m-th objects are arbitrary objects, Ebert discloses object 30 as n-th object and object 60 as m-th object as shown in column 9, lines 18 – 23.

Regarding argument (b), it is respectfully noted that Applicant's arguments appear incommensurate in scope with the limitations of representative claims. In particular, the examiner does not see where the " link can be dynamically and automatically created in a cross (+) direction from an arbitrary objects based on its coordinates of representation (two-dimensional)".

It is noted that as disclosed by Rosin in column 9, lines 1 – 7, "the associated objects can be displayed and scrolled in a horizontal sideways presentation, or in a vertically moving presentation" can be fairly interpreted as a "at least one of screen horizontal-direction distance, a screen vertical-direction distance".

There is nothing in the claimed limitations, which preclude the examiner from this interpretation.

Regarding argument (c), Examiner respectfully disagrees with the applicants. Ebert discloses in column in column 9, lines 24 – 26 that a user may create hierarchies for the links graphically. This fairly suggests a link tree.

3. In view of the above, the examiner contends that all limitations as recited in the claims have been addressed in this Office Action. For the above reasons, Examiner believed that rejection of the last Office action (paper number 4) was proper.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 4, 5, 11, 12, 13, 16, 17, and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over USPN 6,278,991 issued to Peter Ebert (hereinafter "Ebert").

Regarding claim 1, Ebert teaches a link tree forming apparatus for setting individually selectable links for a plurality of objects displayed on a screen to form an overall object link tree, said apparatus comprising:

position information acquiring unit acquiring position information for each object (see column 9, lines 54 – 59); and

link setting unit setting, on the basis of said acquired position information, a link between an m-th object and an n-th object when only said n-th object exists in a predetermined direction with reference to said m-th object, said link setting means alternatively setting a link based on a distance of each object from said m-th object in said predetermined direction when a plurality of objects exist in said predetermined direction with reference to said m-th object (see column 9, lines 3 – 37).

However, n-th and m-th objects are arbitrary number of objects. Ebert discloses number of hierarchical objects whose links are set to each object as disclosed in column 9, lines 30 – 37 "In the example on user favorites screen 50, cluster object link 60 is one

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hierarchical level above object links 70, 72, 74 and is also linked to them. A link is created between a cluster object link, such as cluster object link 60, and one or more object links, such as object links 70, 72, 74, by using a mouse to drag the graphical representations of object links 70, 72, 74 to the graphical representation of cluster object link 60.”

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teaching of Ebert wherein hierarchical object are set to link in the direction of top level object to bottom level objects. The motivation is that the hierarchical links from top to bottom can also be set to include cluster object linking.

Regarding claims 4, 12 and 17, Ebert teaches wherein said link setting unit comprises:

first setting unit setting a link to an object that exists in a first direction satisfying a first condition from among said plurality of predetermined directions for each object (see column n9, lines 24 – 31 and column 10, lines 30 – 39); and

second setting unit setting a link to an object that exists in a second direction for which no link has been set by said first setting unit from among said plurality of predetermined directions, said second direction satisfying a second condition (see column 9, lines 37 – 47 and column 10, lines 39 – 40).

Regarding claims 5, and 13, Ebert teaches wherein said link setting unit comprises:

third setting unit setting a link to an object that exists in a third direction opposite to one of said first and second directions set by said first setting unit and said second setting unit, said third direction satisfying a third condition (see column 10, lines 10 – 30 and lines 40 - 41); and

fourth setting unit for setting a link to an object that exists in a fourth direction, opposite to the other of said first and second directions set by said first setting unit and said second setting unit, for which no link has been set by said third setting unit, said fourth direction satisfying a fourth condition (see column 10, lines 50 – 67).

Regarding claims 11, 16 and 18, Ebert teaches a link tree forming method/program/computer-readable recording medium for setting individually selectable links for a plurality of objects displayed on a screen to form an overall object link tree, said method comprising:

first processing for setting a link between an m-th object and an n-th object when only said n-th object exists in a predetermined direction with reference to said m-th object (see column 9, lines 24 – 31); and

second processing for setting a link based on a distance of each object existing in a predetermined direction from said m-th object when a plurality of objects exist in said predetermined direction with reference to said m-th object (see column 9, lines 37 – 47 and column 10, lines 1 – 9).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teaching of Ebert wherein hierarchical object are set to link in the direction of top level object to bottom level objects. The motivation is that the hierarchical links from top to bottom can also be set to include cluster object linking.

5. Claims 2, 6, 10 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ebert in view of USPN 6,070,176 issued to Terry Downs et al (hereinafter "Downs").

Regarding claim 2, Ebert does not explicitly teach wherein said link setting unit sets a link to the object at the shortest distance from said m-th object out of said plurality of objects existing in said predetermined direction.

Downs teaches wherein said link setting unit sets a link to the object at the shortest distance from said m-th object out of said plurality of objects existing in said predetermined direction (see column 3, lines 9 – 15).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teaching of Downs with the teaching of Ebert wherein apparent distance could be determined as the closest distance. The motivation is that the distances are represented by hypertext links of Web document. These links are graphically represented. A hypertext link generally specifies an address and path to a particular file on a particular Web.

Regarding claim 6, Downs teaches converting unit for converting, when a plurality of distances from said m-th object to said n-th object are defined, the position and size of said n-th object into those of a substitute object, by using as parameters at least one of the positions, sizes and directions of said n-th object at the shortest distance and at the longest distance among said plurality of distances (see column 9, lines 52 – 67),

wherein said position information acquiring unit acquires numeric values converted by said converting unit (see column 3, lines 7 – 19).

Regarding claim 10, Downs teaches wherein said link setting unit sets a link for performing focus movement on the basis of an input by unit of a cross-shaped button (see column 9, line 65 thru column 10, line 3).

Regarding claim 14, Downs teaches comprising a converting step of, when a plurality of distances from said m-th object to said n-th object are defined, converting the position and size of said n-th object into those of a substitute object, by using as parameters at least one of positions, sizes and directions of said n-th object at the shortest distance and at the longest distance among said plurality of distances (see column 9, lines 52 – 67),

wherein said first processing and said second processing are executed on the basis of numeric values converted in said converting step (see column 3, lines 7 – 19).

6. Claims 3, 7, 8, 9 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ebert in view of USPN 6,295,057 issued to Robert Rosin et al (hereinafter "Rosin").

Regarding claim 3, Ebert does not explicitly disclose wherein said distance includes at least one of a screen horizontal-direction distance, a screen vertical-direction distance, and a distance based on both a screen horizontal direction and a vertical direction.

Rosin teaches wherein said distance includes at least one of a screen horizontal-direction distance, a screen vertical-direction distance, and a distance based on both a screen horizontal direction and a vertical direction (see column 9, lines 1 – 7).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teaching of Rosin with the teaching of Ebert wherein horizontal and vertical direction distance are the navigational links of the objects. The motivation is that these direction distances are defined the links and navigational direction of the object links.

Regarding claim 7, Rosin teaches wherein said objects are of a variety of types including contents or frames including Hyperlinks and objects to be displayed by a Web browser (see column 1, lines 47 – 51).

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Regarding claim 8, Rosin teaches determining unit for determining the types of said objects (see column 3, lines 1 – 3);

detecting unit, when an object is detected to be a frame by said determining unit, further detecting selectable objects other than a frame within said detected frame (see column 3, lines 3 – 12); and

inter-frame link setting unit, when an object other than a frame within said detected frame is detected by said detecting unit, setting a link to said detected object within said detected frame from another frame (see column 7, lines 19 – 33).

Regarding claim 9, Rosin teaches wherein with regard to settings by said inter-frame link setting unit, a link between objects is set only when a link destination object exists at a position that is visible on the screen, and such a link setting is variable according to a frame scroll state (see column 7, lines 19 – 33).

Regarding claim 15, Rosin teaches wherein, when setting a link to an object existing within a frame from another frame, a link to that object is set only when that object exists at a position that is visible on the screen, and such a link setting is variable according to a frame scroll state (see column 7, lines 19 – 33).

Conclusion

7. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Fred I. Ehichioya whose telephone number is 703-305-8039. The examiner can normally be reached on M - F 8:00 AM to 4:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John E. Breene can be reached on 703-305-9790. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Fred I. Ehichioya
Examiner
Art Unit 2172
May 15, 2004


SHAHID ALAM
PRIMARY EXAMINER